



October 16, 2023

Laura Posner
(212) 220-2925
lposner@cohenmilstein.com

Via ECF

Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: ***Phunware, Inc. v. UBS Securities LLC, No. 1:23-cv-06426-AT***

Dear Judge Torres:

We write on behalf of Plaintiff Phunware, Inc. pursuant to the parties' Joint Stipulation Regarding Service and Time to Respond to Complaint, which was so ordered by this Court on September 6, 2023 (ECF 17) ("Joint Stipulation"). Item 4.b. of the Joint Stipulation provides that, if Defendant moves to dismiss the Complaint, Plaintiff shall notify the Court and Defendant in writing on or before October 16, 2023, whether (1) it intends to file an amended pleading and when it will do so; or (2) it will rely on the pleading being attacked.

Plaintiff hereby informs the Court and Defendant that it does not intend to amend its Complaint at this time and will rely on that pleading in opposing Defendant's motion to dismiss (ECF 21-22). Plaintiff will file its opposition brief on or before December 5, 2023.

Respectfully submitted,

By: /s/ Laura H. Posner

Laura H. Posner

Michael B. Eisenkraft

COHEN MILSTEIN SELLERS & TOLL PLLC

88 Pine Street, 14th Floor

New York, NY 10005

Tel: (212) 220-2925

Fax: (212) 838-7745

COHENMILSTEIN

Page 2

Raymond M. Sarola
COHEN MILSTEIN SELLERS & TOLL PLLC
Two Logan Square
100-120 N. 18th Street, Suite 1820
Philadelphia, PA 19103
Tel: (267) 479-5700
Fax: (267) 479-5701

Counsel for Plaintiff

cc: Counsel of record (via ECF)